

Senate Bill 313

By: Senators Tolleson of the 20th, Adelman of the 42nd, Mullis of the 53rd, Henson of the 41st, Balfour of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to
2 definitions relative to regulation of controlled substances, so as to revise the definition of
3 "practitioner"; to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia
4 Annotated, relating to the "Georgia Registered Professional Nurse Practice Act," so as to
5 provide for an advanced practice registered nurse to submit or transmit drug orders; to amend
6 Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to delegation
7 of authority to a nurse or physician's assistant, so as to provide for delegation of authority
8 to advanced practice registered nurses to execute drug orders; to delete a provision relating
9 to a Drug Enforcement Administration license; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions
14 relative to regulation of controlled substances, is amended by striking paragraph (23) and
15 inserting in its place the following:

16 "(23) 'Practitioner' means:

17 (A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or
18 other person licensed, registered, or otherwise authorized under the laws of this state
19 to distribute, dispense, conduct research with respect to, or to administer a controlled
20 substance in the course of professional practice or research in this state;

21 (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise
22 authorized by law to distribute, dispense, conduct research with respect to, or to
23 administer a controlled substance in the course of professional practice or research in
24 this state; ~~or~~

25 (C) An advanced practice registered nurse acting pursuant to the authority of Code
26 Section 43-26-13. For purposes of this chapter and Code Section 43-26-13, an advanced

1 practice registered nurse is authorized to register with the federal Drug Enforcement
2 Administration and appropriate state authorities; or
3 ~~(C)~~(D) A physician's assistant acting pursuant to the authority of subsection (e.1) of
4 Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code
5 Section 43-34-103 and notwithstanding the provisions of subsection (g) of Code
6 Section 43-34-26.1, a physician's assistant is authorized to register with the federal
7 Drug Enforcement Administration and appropriate state authorities."

8 **SECTION 2.**

9 Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the
10 "Georgia Registered Professional Nurse Practice Act," is amended by adding a new Code
11 section to the end of such article to read as follows:

12 "46-26-13.

13 Notwithstanding any law to the contrary, an advanced practice registered nurse who is a
14 party to a nurse protocol agreement with a physician pursuant to Code Section 43-34-26.1
15 may, in addition to the authority contained in Code Section 43-34-26.1, select and transmit
16 a verbal, written, or electronic order for a drug, device, medical treatment, or diagnostic
17 study. Such an order, if written, shall be on a form which shall include the names of the
18 advanced practice registered nurse and the physician who are parties to the nurse protocol
19 agreement."

20 **SECTION 3.**

21 Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to delegation
22 of authority to a nurse or physician's assistant, is amended by striking paragraph (1) of
23 subsection (b) and inserting in its place the following:

24 "(b)(1) A physician may delegate to:

25 (A) A physician's assistant in accordance with a job description; or

26 (B) A nurse recognized by the Georgia Board of Nursing as ~~a certified nurse midwife,~~
27 ~~certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse~~
28 ~~specialist, psychiatric/mental health~~ an advanced practice registered nurse in accordance
29 with a nurse protocol

30 the authority to order controlled substances ~~selected from a~~ subject to an exclusionary
31 formulary of such drugs established by the Composite State Board of Medical Examiners
32 and the authority to order dangerous drugs, devices, medical treatments, and diagnostic
33 studies."

SECTION 4.

Said Code section is further amended by striking subsection (g) and inserting in its place the following:

"(g) Nothing in this Code section shall be construed to ~~authorize or permit the issuance of a Drug Enforcement Administration license to a nurse or physician's assistant~~ create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 who, in good faith, fills a prescription drug order of an advanced practice registered nurse issued pursuant to a nurse protocol agreement."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.